UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HEIDI DAVIS,

Plaintiff,

v.

1:20-CV-0733
(GTS/CFH)

FARZAD SANI, DDS, P.C., d/b/a
Pediatric Dental Group of New York, and
DR. FARZAD SANI, in his individual capacity,

Defendants.

APPEARANCES:

OF COUNSEL:

SOLOMON LAW FIRM PLLC
Counsel for Plaintiff
300 Great Oaks Boulevard, Suite 312
Albany, New York 12203

KATHRYN LYNNE BARCROFT, ESQ.

HODGSON RUSS LLP
Counsel for Defendants
677 Broadway, Suite 301
Albany, New York 12207

GLEN P. DOHERTY, ESQ.

TABNER, RYAN & KENIRY, LLP
Co-counsel for Defendants
18 Corporate Woods Boulevard
Albany, New York 12211-2605

THOMAS R. FALLATI, ESQ.

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this labor action pursuant to the Family and Medical Leave Act ("FMLA") filed by Heidi Davis ("Plaintiff") against Farzad Sani, DDS, d/b/a Pediatric Dental Group of New York and Dr. Farzad Sani, in his individual capacity ("Defendants"), are (1) Defendants' motion to compel arbitration and for a stay pursuant to the Federal Arbitration

Act ("FAA"), and (2) United States Magistrate Judge Christian F. Hummel's Report-Recommendation recommending that Defendants' motion be denied. (Dkt. Nos. 17, 34.) Neither party has filed an objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.[1] Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein and Defendants' Motion to Compel Arbitration and for a stay is denied.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 34) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion to compel arbitration and for a stay (Dkt. No. 17) is **DENIED**.

Dated: September 17, 2021
Syracuse, New York

Hon. Glenn T. Suddaby
Chief U.S. District Judge

[1] When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).